

Message Text

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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 12016

C O R R E C T E D C O P Y (IN PARA 2 CHG ARTICLE VII TO READ ARTICLE
VIII)

E.O. 11652: GDS
TAGS: TBIO EG
SUBJECT: NAMRU III AGREEMENT

REF: (A) CAIRO 6247, (B) 77 STATE 244038,
- (C) 77 STATE 233488

1. MFA PROTOCOL HAS HAD DRAFT NAMRU AGREEMENT FOR SOME MONTHS AND HAS BALKED ON SOME OF PROPOSED PROVISIONS. IN EFFORT MOVE AGREEMENT ALONG, AMBASSADOR MET LAST WEEK WITH MFA PROTOCOL CHIEF SAID HAMZA, ONE OF HIS PRINCIPAL DEPUTIES CONCERNED WITH IMMUNITIES AND WITH MFA LEGAL COUNSELOR TO DISCUSS MATTER AND TO DETERMINE WHAT MIGHT BE DONE. EGYPTIAN SIDE PUT FORWARD VARIOUS PROPOSED EMENDATIONS WHICH HAMZA INDICATED WOULD ENABLE MFA APPROVE SIGNING OF AGREEMENT WITH MINISTER OF HEALTH. AMBASSADOR HAS DISCUSSED PROPOSED MFA REVISIONS WITH NAMRU CO, CAPTAIN WATTEN, WHO SHARES VIEW THEY ARE ACCEPTABLE. CHANGES PROPOSED BY MFA PROTOCOL CHIEF AND RATIONALE FOR
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EACH ARE SET FORTH BELOW.

2. ARTICLE VIII, PARA 1: MFA WISHES ADD IN FIRST SENTENCE, AFTER "INCLUDING VEHICLES," THE FOLLOWING CLAUSE: "AS AGREED UPON WITH THE MINISTRY OF FOREIGN AFFAIRS." FIRST PART OF SENTENCE WOULD THEN READ: "THE GOVERNMENT OF THE UNITED STATES OF AMERICA MAY IMPORT FREE FROM CUSTOMS,

DUTIES, TAXES AND ALL OTHER CHARGES, WITHOUT RESTRICTIONS OTHER THAN THOSE IMPOSED IN THIS ARTICLE, ANY MATERIALS, EQUIPMENT, INCLUDING VEHICLES AS AGREED UPON WITH THE MINISTRY OF FOREIGN AFFAIRS, SUPPLIES OR GOODS, ETC."

- RATIONALE: MFA CONTENDS OUR WORDING IS OPEN-ENDED AND WOULD PERMIT ANY NUMBER OF VEHICLES TO BE IMPORTED BY NAMRU. THIS IS INCONSISTENT WITH PRACTICE FOLLOWED AT PRESENT WITH ACCREDITED DIPLOMATIC MISSIONS, FOR EACH OF WHICH MFA ASSIGNS A VEHICLE QUOTA. THIS VEHICLE QUOTA IS SUBJECT TO UPWARD REVISION AS NEGOTIATED WITH MFA. THUS, FOR EXAMPLE, U.S. EMBASSY'S VEHICLE QUOTA WAS UNTIL RECENTLY SEVENTY-FIVE VEHICLES AND WE HAVE JUST NEGOTIATED AN INCREASE TO ONE HUNDRED VEHICLES. SAME PROCEDURE WOULD HAVE TO BE FOLLOWED WITH IMPORTED NAMRU VEHICLES.

3. ARTICLE VIII, PARA 2: MFA INSISTS ON DELETING SPECIFIC REFERENCE TO USG'S RIGHT IMPORT AND EXPORT FIREARMS AND AMMUNITION AS NEEDED FOR COLLECTING BIRDS AND OTHER ANIMALS AND MAKING LANGUAGE MORE GENERAL. SPECIFICALLY, IT PROPOSES FIRST SENTENCE READ AS FOLLOWS: "UPON PROPER APPLICATION, THE GOVERNMENT OF THE UNITED STATES OF AMERICA MAY IMPORT AND EXPORT SUCH EQUIPMENT AS MAY BE NECESSARY FOR SUCH RESEARCH BEING CONDUCTED BY NAMRU-3 AS MAY BE MUTUALLY AGREED UPON BETWEEN THE MINISTRY OF FOREIGN AFFAIRS AND THE AMERICAN EMBASSY."

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- RATIONALE: MFA PROTOCOL CONTENDS CITING RIGHT TO IMPORT WEAPONRY AND AMMUNITION IS CERTAIN TO CAUSE PROBLEMS WITH PEOPLES ASSEMBLY, WHICH MUST EVENTUALLY APPROVE AGREEMENT. MFA HAS NO PROBLEM IN PRINCIPLE WITH NAMRU'S REQUIREMENT TO BRING IN SUCH WEAPONRY FOR PURPOSES INDICATED. IN ORDER TO AVOID PEOPLES ASSEMBLY DISCUSSION OF SUBJECT, HOWEVER, MFA PROPOSES THAT ON DAY AGREEMENT IS SIGNED, AMBASSADOR SEND LETTER TO MFA PROTOCOL CHIEF STATING THAT WE INTERPRET THAT PARAGRAPH TO INCLUDE RIGHT TO IMPORT AND EXPORT FIREARMS AND AMMUNITION OF TYPE INDICATED IN PRESENT READING OF PARAGRAPH. LANGUAGE IN THAT LETTER WOULD BE THAT OF PRESENT PARAGRAPH. MFA PROTOCOL CHIEF WOULD THEN REPLY SAYING THIS IS AGREEABLE. IN THIS WAY, THERE WOULD BE A RECORD OF THE EXCHANGE TO WHICH FUTURE REFERENCE COULD BE MADE AS NECESSARY. (WOULD NOTE THAT MFA HAS SUGGESTED SIMILAR PROCEDURE IN CONNECTION WITH POTENTIALLY CONTROVERSIAL POINT IN AID AGREEMENT NOW BEING NEGOTIATED, AND THIS PROCEDURE HAS BEEN FOUND ACCEPTABLE BY INTERESTED WASHINGTON AGENCIES.)

4. ARTICLE IX, PARA 4: MFA INSISTS ON DELETING REFERENCE

TO PRIVILEGES AND IMMUNITIES FOR ADMINISTRATIVE AND
TECHNICAL STAFF AS PRESCRIBED BY VIENNA CONVENTION ON
DIPLOMATIC RELATIONS. INSTEAD, PARA WOULD READ AS
FOLLOWS: "PERSONNEL BROUGHT INTO THE ARAB REPUBLIC OF
EGYPT BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN
CONNECTION WITH THE OPERATION AND RESEARCH AND TRAINING
PROGRAMS OF NAMRU-3 SHALL BE ACCORDED BY THE GOVERNMENT OF
THE ARAB REPUBLIC OF EGYPT THE PRIVILEGES AND IMMUNITIES
LISTED BELOW. SUCH PERSONNEL, THROUGHOUT THE TERMS OF
ASSIGNMENT, SHALL BE EXEMPTED FROM ALL CUSTOMS, DUTIES,
TAXES AND ALL OTHER CHARGES ON THE FOLLOWING ITEMS:

- A. BOOKS, FURNITURE, PERSONAL AND HOUSEHOLD EFFECTS.
 - B. FOOD, BEVERAGES AND TOBACCO WITHIN THE AMOUNTS
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SPECIFIED FOR EACH MEMBER AND IN ACCORDANCE WITH THE

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LIMITATION LAID OUT BY THE MINISTRY OF FOREIGN AFFAIRS.

- C. ONE AUTOMOBILE, EXCEPT THAT IN THE EVENT SUCH
AUTOMOBILE IS LOST BY THEFT OR IS SO SEVERELY DAMAGED
OR WORN THAT ITS REPAIR WOULD BE UNECONOMICAL, A REPLACE-
MENT AUTOMOBILE MAY BE IMPORTED UNDER THESE SAME CONDI-

TIONS. CUSTOMS ON DAMAGED OR WORN VEHICLES WILL BE ESTIMATED DEPENDING UPON THE EXTENT OF DAMAGE OR LOSS."

- RATIONALE: MFA PROTOCOL POINTS OUT THAT EGYPT HAS FROM OUTSET ENTERED RESERVATION ON ARTICLE 37 OF VIENNA CONVENTION HAVING TO DO WITH PRIVILEGES AND IMMUNITIES FOR ADMINISTRATIVE AND TECHNICAL STAFF OF DIPLOMATIC MISSIONS. ADMINISTRATIVE AND TECHNICAL STAFF OF DIPLOMATIC MISSIONS ARE NOT GRANTED SAME PRIVILEGES AND IMMUNITIES ACCORDED TO ACCREDITED DIPLOMATS. HENCE, GOE CANNOT AGREE TO TERMINOLOGY WE SUGGEST. PROTOCOL PROPOSES INSTEAD TO SPELL OUT THE SPECIFIC PRIVILEGES AND IMMUNITIES AS INDICATED ABOVE. WITH RESPECT TO THE FOOD, BEVERAGES AND TOBACCO SUB-PARAGRAPH (B), MFA IS CONCERNED THAT OUR LANGUAGE IS TOO LOOSE, ESPECIALLY WITH RESPECT TO ALCOHOLIC BEVERAGES AND TOBACCO, THE IMPORT OF WHICH ARE CONFIDENTIAL

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CLOSELY RESTRICTED HERE. INSTEAD, IT PREFERS THE PERTINENT LANGUAGE OF THE CUSTOMS FRANCHISE OF 1974 (LAW 121/1974). ON THE FINAL ADDITIONAL SENTENCE RE CUSTOMS FOR DAMAGED VEHICLES, MFA POINTS OUT THAT THERE IS A CUSTOMS DUTIES REQUIREMENT APPLICABLE TO AID AND EMBASSY ADMINISTRATIVE AND TECHNICAL STAFF MEMBERS WHO SELL USED OR DAMAGED CARS, WHICH BUYER IS EXPECTED TO PAY.

5. ARTICLE X: MFA WISHES DELETE THE TWO PARENTHETICAL REFERENCES TO "(AND THEIR DEPENDENTS)".

- RATIONALE: MFA POINTS OUT DEPENDENTS OF DIPLOMATS OR OTHER OFFICIAL PERSONNEL HAVE NO RIGHT OF THEIR OWN FOR DUTY-FREE IMPORTS. THEY MUST DO SO THROUGH THE DIPLOMATIC OR OTHER OFFICIAL OFFICER CONCERNED.

6. REQUEST APPROPRIATE AGENCIES REVIEW REVISIONS PROPOSED ABOVE AND ADVISE. IF THEY ARE ACCEPTABLE, WE SHOULD HOPEFULLY BE ABLE SIGN NAMRU AGREEMENT WITHOUT TOO MUCH FURTHER DELAY. EILTS

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Message Attributes

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